

1 AN ACT concerning ethics.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The State Gift Ban Act is amended by changing  
5 Section 15 as follows:

6 (5 ILCS 425/15)

7 Sec. 15. Exceptions. The restriction in Section 10 does  
8 not apply to the following:

9 (1) Anything for which the member, officer, employee, or  
10 judge pays the market value or anything not used and promptly  
11 disposed of as provided in Section 25.

12 (2) A contribution, as defined in Article 9 of the  
13 Election Code that is lawfully made under that Act or  
14 attendance at a fundraising event sponsored by a political  
15 organization.

16 (3) A gift from a relative, meaning those people related  
17 to the individual as father, mother, son, daughter, brother,  
18 sister, uncle, aunt, great aunt, great uncle, first cousin,  
19 nephew, niece, husband, wife, grandfather, grandmother,  
20 grandson, granddaughter, father-in-law, mother-in-law,  
21 son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
22 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
23 stepsister, half brother, half sister, and including the  
24 father, mother, grandfather, or grandmother of the  
25 individual's spouse and the individual's fiance or fiancée.

26 (4) Anything provided by an individual on the basis of a  
27 personal friendship unless the member, officer, employee, or  
28 judge has reason to believe that, under the circumstances,  
29 the gift was provided because of the official position or  
30 employment of the member, officer, employee, or judge and not  
31 because of the personal friendship.

1 In determining whether a gift is provided on the basis of  
2 personal friendship, the member, officer, employee, or judge  
3 shall consider the circumstances under which the gift was  
4 offered, such as:

5 (i) the history of the relationship between the  
6 individual giving the gift and the recipient of the gift,  
7 including any previous exchange of gifts between those  
8 individuals;

9 (ii) whether to the actual knowledge of the member,  
10 officer, employee, or judge the individual who gave the  
11 gift personally paid for the gift or sought a tax  
12 deduction or business reimbursement for the gift; and

13 (iii) whether to the actual knowledge of the  
14 member, officer, employee, or judge the individual who  
15 gave the gift also at the same time gave the same or  
16 similar gifts to other members, officers, employees, or  
17 judges.

18 (5) A commercially reasonable loan evidenced in writing  
19 with repayment due by a date certain made in the ordinary  
20 course of the lender's business.

21 (6) A contribution or other payments to a legal defense  
22 fund established for the benefit of a member, officer,  
23 employee, or judge that is otherwise lawfully made.

24 (7) Intra-office and inter-office gifts. For the  
25 purpose of this Act, "intra-office gifts" means:

26 (i) any gift given to a member or employee of the  
27 legislative branch from another member or employee of the  
28 legislative branch;

29 (ii) any gift given to a judge or employee of the  
30 judicial branch from another judge or employee of the  
31 judicial branch;

32 (iii) any gift given to an officer or employee of  
33 the executive branch from another officer or employee of  
34 the executive branch;

1           (iv) any gift given to an officer or employee of a  
2 unit of local government, home rule unit, or school  
3 district, from another employee of that unit of local  
4 government, home rule unit, or school district;

5           (v) any gift given to an officer or employee of any  
6 other governmental entity not included in item (i), (ii),  
7 (iii), or (iv), from another employee of that  
8 governmental entity; or

9           (vi) any gift given to a member or employee of the  
10 legislative branch, a judge or employee of the judicial  
11 branch, an officer or employee of the executive branch,  
12 an officer or employee of a unit of local government,  
13 home rule unit, or school district, or an officer or  
14 employee of any other governmental entity not included in  
15 item (i), (ii), (iii), or (iv) from a member or employee  
16 of the legislative branch, a judge or employee of the  
17 judicial branch, an officer or employee of the executive  
18 branch, an officer or employee of a unit of local  
19 government, home rule unit, or school district, or an  
20 officer or employee of any other governmental entity.

21           (8) Food, refreshments, lodging, transportation, and  
22 other benefits:

23           (i) resulting from the outside business or  
24 employment activities (or outside activities that are not  
25 connected to the duties of the member, officer, employee,  
26 or judge, as an office holder or employee) of the member,  
27 officer, employee, judge, or the spouse of the member,  
28 officer, employee, or judge, if the benefits have not  
29 been offered or enhanced because of the official position  
30 or employment of the member, officer, employee, or judge  
31 and are customarily provided to others in similar  
32 circumstances;

33           (ii) customarily provided by a prospective employer  
34 in connection with bona fide employment discussions; or

1           (iii) provided by a political organization in  
2           connection with a fundraising or campaign event sponsored  
3           by that organization.

4           (9) Pension and other benefits resulting from continued  
5           participation in an employee welfare and benefits plan  
6           maintained by a former employer.

7           (10) Informational materials that are sent to the office  
8           of the member, officer, employee, or judge in the form of  
9           books, articles, periodicals, other written materials,  
10          audiotapes, videotapes, or other forms of communication.

11          (11) Awards or prizes that are given to competitors in  
12          contests or events open to the public, including random  
13          drawings.

14          (12) Honorary degrees (and associated travel, food,  
15          refreshments, and entertainment provided in the presentation  
16          of degrees and awards).

17          (13) Training (including food and refreshments furnished  
18          to all attendees as an integral part of the training)  
19          provided to a member, officer, employee, or judge, if the  
20          training is in the interest of the governmental entity.

21          (14) Educational missions, including meetings with  
22          government officials either foreign or domestic, intended to  
23          educate public officials on matters of public policy, to  
24          which the member, officer, employee, or judge may be invited  
25          to participate along with other federal, state, or local  
26          public officials and community leaders.

27          (15) Bequests, inheritances, and other transfers at  
28          death.

29          (16) Anything that is paid for by the federal  
30          government, the State, or a governmental entity, or secured  
31          by the government or governmental entity under a government  
32          contract.

33          (17) A gift of personal hospitality of an individual  
34          other than a registered lobbyist or agent of a foreign

1 principal, including hospitality extended for a nonbusiness  
2 purpose by an individual, not a corporation or organization,  
3 at the personal residence of that individual or the  
4 individual's family or on property or facilities owned by  
5 that individual or the individual's family.

6 (18) Free attendance at a widely attended event  
7 permitted under Section 20.

8 (19) Opportunities and benefits that are:

9 (i) available to the public or to a class  
10 consisting of all employees, officers, members, or  
11 judges, whether or not restricted on the basis of  
12 geographic consideration;

13 (ii) offered to members of a group or class in  
14 which membership is unrelated to employment or official  
15 position;

16 (iii) offered to members of an organization such as  
17 an employee's association or credit union, in which  
18 membership is related to employment or official position  
19 and similar opportunities are available to large segments  
20 of the public through organizations of similar size;

21 (iv) offered to any group or class that is not  
22 defined in a manner that specifically discriminates among  
23 government employees on the basis of branch of government  
24 or type of responsibility, or on a basis that favors  
25 those of higher rank or rate of pay;

26 (v) in the form of loans from banks and other  
27 financial institutions on terms generally available to  
28 the public; or

29 (vi) in the form of reduced membership or other  
30 fees for participation in organization activities offered  
31 to all government employees by professional organizations  
32 if the only restrictions on membership relate to  
33 professional qualifications.

34 (20) A plaque, trophy, or other item that is

1 substantially commemorative in nature and that is extended  
2 for presentation.

3 (21) Golf or tennis; food or refreshments of nominal  
4 value and catered food or refreshments; meals or beverages  
5 consumed on the premises from which they were purchased.

6 (22) Donations of products from an Illinois company that  
7 are intended primarily for promotional purposes, such as  
8 display or free distribution, and are of minimal value to any  
9 individual recipient.

10 (23) Any item or items from any one prohibited source  
11 during any calendar year having a cumulative total value of  
12 less than \$100.

13 (24) Honoraria, if the entity paying the honorarium is  
14 not a registered lobbyist.

15 (Source: P.A. 92-853, eff. 8-28-02.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.